

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ZHON ROGERS,

Plaintiff,

v.

No. 11-cv-0646 RHS/SMV

CITY OF ALBUQUERQUE,

Defendant.

ORDER SETTING FOLLOW UP SETTLEMENT CONFERENCE

THIS MATTER is before the Court on the Defendant's letter dated September 28, 2012, requesting a settlement conference in this case. To facilitate a final disposition of this case, a mandatory Settlement Conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **Friday, November 16, 2012, at 9:30 a.m.** in the Hondo Courtroom, fourth floor, Pete V. Domenici United States Courthouse, 333 Lomas Blvd. N.W., Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person. Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

See generally Hand v. Walnut Valley Sailing Club, No. 11-3228, 2012 WL 1111137 (10th Cir.

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

Apr. 2, 2012) (unpublished) (affirming dismissal of case as sanction for violating confidentiality of settlement conference).

No later than **5:00 p.m. on Friday, November 9, 2012**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. Position statements must be submitted to the Court by e-mail at **VidmarChambers@nmcourt.fed.us**.²

Furthermore, if any party has in its possession any video or audio recording of the incident upon which this action is based, that party must submit a copy of the recording to the Court no later than **5:00 p.m. on Friday, November 9, 2012**.

The Settlement Conference will not be vacated or rescheduled except upon motion and for good cause shown. Any motion to vacate or reschedule the Settlement Conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the Settlement Conference.

IT IS THEREFORE ORDERED as follows:


Parties' confidential position statements due to the Court:

**Friday, November 9, 2012,
by 5:00 p.m.**

Settlement Conference:

**Friday, November 16, 2012
at 9:30 a.m.**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

² Each e-mail message and its attachments cannot exceed 5 MB. Data exceeding 5 MB should be submitted in individual e-mail messages, each less than 5 MB.